

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

\_\_\_\_\_  
Heinz Kauhsen, d/b/a Classic Racing Cars

*Plaintiff,*

-against-

Aventura Motors, Inc.  
\_\_\_\_\_

*Defendant.*

Civil Action No.  
09 4114

**MOTION FOR  
ENTRY OF DEFAULT**

**PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT**

Plaintiff, Heinz Kauhsen, d/b/a Classic Racing Cars ("Kauhsen"), pursuant to Federal Rule of Civil Procedure 55(a), respectfully moves the Clerk of the Court for entry of a default against the Defendant, Aventura Motors, Inc. ("Aventura Motors"), and in support hereof states:

1. On September 23, 2009, Kauhsen filed a Verified Complaint against Kauhsen for a money judgment based on breach of contract, fraud, promissory estoppel, unjust enrichment and declaratory judgment.

2. On September 29, 2009, Aventura Motors was served with process of the Summons and Verified Complaint in this matter. See DE 2. Accordingly, Aventura Motors was required, under the Federal Rules of Civil Procedure, to file its response to the Verified Complaint on or before October 19, 2009.

3. As of the date hereof, Aventura Motors has not responded to the Verified Complaint or otherwise made any appearance in this case.

WHEREFORE, Plaintiff, Heinz Kauhsen, d/b/a Classic Racing Cars, respectfully requests that the Clerk of the Court enter a default against Aventura Motors, Inc. for failure to plead or otherwise defend against Heinz Kauhsen's Verified Complaint.

DATED: New York, New York  
October 30, 2009

Respectfully submitted,

/s/ Martin F. Gusy  
Martin F. Gusy, Esq. (MG0516)  
Gusy Van der Zandt LLP  
500 Fifth Avenue, Suite 1410  
New York, NY 10110  
Tel: 646-502-8066

*Attorneys for Heinz Kauhsen*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed using the CM/ECF system with the clerk of the Court which sent e-mail notification of such filing to all CM/ECF participants in this case and via regular US mail, postage prepaid, to Aventura Motors, Inc., 566 County Road 39, Southampton, NY 11968, and Colin Astarita, Esq., The Law Offices of Astarita & Associates P.C., 33 Main Street, Southampton, NY 11968, attorneys for Aventura Motors, Inc., this 30th day of October 2009.

s/ Martin F. Gusy  
Martin F. Gusy